

## REMARKS

This responds to the final Office Action having a notification date of February 22, 2007. Currently, claims 1-34 are pending in the application, with claims 10-19 and 30-34 having been withdrawn from consideration, and claims 1-9 and 20-29 having been rejected in the outstanding Office Action. Applicants hereby affirm the election made in connection with the species of Figure 2, claims 1-9 and 20-29. Applicants respectfully submit that claims 1-9 and 20-29 are in allowable form and that the pending rejections should be withdrawn for at least the reasons stated below.

### **The Rejection of Claims 1-7, 20-25 and 29**

Claims 1-7, 20-25 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen, U.S. Patent No. 6,502,615 (Allen '615) in view of Fleissner, U.S. Patent No. 3,765,971 (Fleissner '971). In this regard the Examiner notes that Allen '615 describes a process and system for forming a disposable hygienic absorbent product. Specifically, the system disclosed in Allen '615 includes a bottom layer forming station 202, a core forming station 203, and a top layer forming station 201. The various layers formed at these stations are combined at a combining station 205 having a calendaring device formed by counter-rotating rollers 211. The Examiner further notes that Allen '615 fails to teach the use of a thermobonding operation incorporating a through air bonding process in which heated air is used to join the layers together in order to form the composite absorbent fibrous laminate. For this teaching, the Examiner relies on the Fleissner '971 patent which discloses the bonding of a web of fibers in a through air bonding unit 11 comprised of several perforated drums 12 (Fig. 1), or 22 (Fig. 2).

The Allen '615 patent is directed to a "dry" production process, as opposed to a wet emulsion based process. The distinction between these two general types of processes is discussed in the Background of the Fleissner '971 patent. The Fleissner '971 patent particularly addresses a disadvantage of the thermobonding process used in a dry method involving through air bonding type units. In general, the Fleissner '971 patent provides a process and apparatus "by which an absolutely uniform penetration of the bonding agent through even the thickest web can be obtained without any subsequent drying process, as is required when a liquid bonding agent has been applied" (column 2, lines 22-26). Notably, there are no reasons provided by the Fleissner '971 patent, or the other art of record, as to why one of ordinary skill would substitute a through air bonding unit for the combining station comprised of calendaring type rollers 211 of the Allen '615 patent.

To one of ordinary skill in the art reviewing the Allen '615 patent, the results obtained in practicing the disclosure of that patent would be considered perfectly acceptable absent some other reason provided in the prior art for deviating from the teachings of Allen '615. While the Fleissner '971 patent may give reasons for improving existing through air industrial bonding processes, such as for the production of carpets, there is no reason to believe that one of ordinary skill in the art reviewing the disposable hygienic product production apparatus of Allen '615 would consider it advantageous or desirable to employ the teachings of Fleissner '971 as a substitution for the calendaring units, such as combining station 205. In fact, there is no evidence apparent from these references that the resulting disposable hygienic absorbent product would work for its intended purpose if the carpet or industrial web producing process of Fleissner '971 was

somehow used to substitute for the combining station 205 and/or the other calendaring stations 210, 224, 233 of Allen '615. The only reasons for doing so would appear to be reasons based on hindsight derived improperly from Applicants' own disclosure. In this regard, only Applicants have recognized the disadvantages of the calendaring processes as they relate to the manufacture of disposable hygienic absorbent products, as fully discussed in the Background section of the present application, and it was only Applicants that derived the solution to such problems. Moreover, if Fleissner '971 was somehow combined with Allen '615, additional process changes would have to be made to cause the disposable hygienic absorbent product to work for its intended purpose. Such additional changes are neither taught nor suggested in the art. Moreover, there is no reason for one of ordinary skill to go to these lengths to alter the process of Allen '615 absent some recognizable benefit and absent the knowledge that a disposable hygienic absorbent product would result in a form at least as acceptable as that produced by the process of Allen '615. As such, Applicants respectfully submit that the combination of the Allen '615 patent and the Fleissner '971 patent does not amount of a *prima facie* case of obviousness under 35 U.S.C. § 103(a) and, therefore, respectfully request withdrawal of this rejection.

**The Rejection of Claims 8, 9 and 26-28 under 35 U.S.C. § 103(a)**

Applicants note that dependent claims 8, 9, and 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as set forth above, further in view of Fleissner, U.S. Patent No. 3,811,988 (Fleissner '988). The Fleissner '988 reference is used as a further secondary reference as allegedly teaching the additional subject matter recited in these dependent claims. However, Applicants

respectfully submit that the Fleissner '988 reference fails to cure the more basic deficiencies of the combination of Allen '615 and Fleissner '971 as set forth above. Therefore, for at least the same reasons as set forth above, dependent claims 8, 9 and 26-28 are respectfully submitted to be allowable form as well.

### **Conclusion**

In view of the foregoing, a notice of allowance is respectfully requested at this time. If there is any additional matter in need of discussion upon review of this application, the Examiner is respectfully invited to contact Applicants' undersigned counsel by telephone to expedite issuance of this application.

Applicants believe that no fees are due in connection with this response. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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